



Order Filed on September 27, 2023  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY  
Caption in Compliance with D.N.J. LBR 9004-2(c)  
UNITED STATES DEPARTMENT OF JUSTICE  
OFFICE OF THE UNITED STATES TRUSTEE  
ANDREW R. VARA  
UNITED STATES TRUSTEE, REGIONS 3 AND 9  
Peter J. D'Auria, Esq. (PD 3709)  
One Newark Center, Suite 2100  
Newark, NJ 07102  
Telephone: (973) 645-3014  
Fax: (973) 645-5993

In Re:

Alexandre Dacosta and Viviane Antunes, *et al.*<sup>1</sup>,

Debtors.

Chapter 11

Case No. 22-18303(JKS)

(Jointly Administered)

Hearing Date: Sept. 26, 2023 at 10:00 a.m.

Judge: John K. Sherwood

### ORDER OF DISMISSAL OF BAV AUTO, LLC CASE

The relief set forth on the following page(s), numbered two (2) through three (3),  
is hereby **ORDERED**.

**DATED: September 27, 2023**

A handwritten signature in black ink, appearing to read "J K Sherwood", is written over a horizontal line.

Honorable John K. Sherwood  
United States Bankruptcy Court

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<sup>1</sup> The jointly administered Debtors are Alexandre Dacosta and Vivianne Antunes, having SSNs with the last four digits of 2325 and 0411, respectively, and BAV Auto, L.L.C., having a TIN with the last four digits 7479.

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Alexandre Dacosta and Viviane Antunes, *et al.*

Chapter 11 Case No.: 22-18303(JKS) (Jointly Administered)

**Order of Dismissal of BAV Auto, LLC Case**

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Upon consideration of the Motion of the United States Trustee by and through counsel, for an Order Converting the BAV Auto, LLC Case to Chapter 7, or Alternatively to Dismiss the Case, pursuant to 11 U.S.C. § 1112(b), and notice of the motion having been given to the Individual Debtors, the Corporate Debtors, the Related Debtors' respective counsel, and parties in interest, and the Court having found cause for the entry of the within Order, and the Court having further found that entry of the within Order is in the best interest of creditors and the bankruptcy estate, it is hereby **ORDERED AS FOLLOWS:**

1. That the chapter 11 case of BAV Auto, LLC, case number 22-17933(JKS), is hereby DISMISSED and any discharge that was granted is vacated. All outstanding fees to the Court that are due and owing must be paid within 7 days of the date of this Order.

2. That the filing of any and all outstanding monthly operating reports through the date of this Order shall be brought current within 30 days of the entry of this Order; the U.S. Trustee reserves all rights including but not limited to filing a motion to reopen the case and to convert the case to chapter 7.

3. That the Court shall retain jurisdiction of this Bankruptcy Case to hear and allow any and all applications for compensation by retained professionals and the subchapter v trustee, Mark Politan (the "Subchapter V Trustee").

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Alexandre Dacosta and Viviane Antunes, *et al.*

Chapter 11 Case No.: 22-18303(JKS) (Jointly Administered)

**Order of Dismissal of BAV Auto, LLC Case**

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4. That the appointment of the Subchapter V Trustee in the case of BAV Auto, LLC, case number 22-17933(JKS), is hereby terminated.

Pursuant to Fed. R. Bankr. P. 2002(f), the Clerk shall notify all parties in interest of the entry of this Order.

In re:  
BAV AUTO L.L.C.  
Debtor

Case No. 22-17933-JKS  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0312-2  
Date Rcvd: Sep 27, 2023

User: admin  
Form ID: pdf903

Page 1 of 2  
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 29, 2023:

Recip ID	Recipient Name and Address
db	+ BAV AUTO L.L.C., 80 Columbia Avenue, Kearny, NJ 07032-2948

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 29, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 27, 2023 at the address(es) listed below:

Name	Email Address
Donna L. Thompson	on behalf of Creditor Automotive Finance Corporation donna.thompson@dlthompsonlaw.com dlthompsonlaw@aol.com
Drew S. McGehrin	on behalf of Creditor Vero Finance Technologies Inc. dsmcgehrin@duanemorris.com
Eamonn O'Hagan	on behalf of Creditor United States of America (Internal Revenue Service) eamonn.ohagan@usdoj.gov
John O'Boyle	on behalf of Debtor BAV AUTO L.L.C. joboye@norgaardfirm.com sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com;o'boyle.johnb124931@notify.bestcase.com
John O'Boyle	on behalf of Interested Party Alexandre Dacosta and Vivianne Antunes joboye@norgaardfirm.com sferreira@norgaardfirm.com;kcimmino@norgaardfirm.com;crose@norgaardfirm.com;dtakach@norgaardfirm.com;o'boyle.johnb1

District/off: 0312-2

User: admin

Page 2 of 2

Date Rcvd: Sep 27, 2023

Form ID: pdf903

Total Noticed: 1

24931@notify.bestcase.com

Joseph H. Lemkin

on behalf of Creditor XL Funding LLC dba Axle Funding, LLC fka Auction Credit Enterprises, LLC jlemkin@stark-stark.com

Joseph H. Lemkin

on behalf of Creditor Auction Credit Enterprises LLC jlemkin@stark-stark.com

Mark Politan

mpolitan@politanlaw.com

Mark Politan

on behalf of Trustee Mark Politan mpolitan@politanlaw.com

Peter J. D'Auria

on behalf of U.S. Trustee U.S. Trustee Peter.J.D'Auria@usdoj.gov

Regina Cohen

on behalf of Creditor Westlake Flooring Services rcohen@lavin-law.com mmalone@lavin-law.com

Regina Cohen

on behalf of Creditor Westlake Flooring Company LLC d/b/a Westlake Flooring Services rcohen@lavin-law.com, mmalone@lavin-law.com

Steven D. Pertuz

on behalf of Debtor BAV AUTO L.L.C. pertuzlaw@verizon.net  
g16461@notify.cincompass.com;pertuz.stevenb130381@notify.bestcase.com

Steven D. Pertuz

on behalf of Interested Party Alexandre Dacosta and Vivianne Antunes pertuzlaw@verizon.net  
g16461@notify.cincompass.com;pertuz.stevenb130381@notify.bestcase.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 15